

All-A Tournament Captivates Lexington, State... A Game-By-Game Tournament Wrapup In This Week's **SPORTS EXTRA**

For Four Days and Four Nights Memorial Coliseum Turned Into **The Chigger Patch** For Tournament Insight And More See **The Chigger Patch** — Page 2

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Magistrates discuss county policy on gravel controversy

By Josh Shepherd
The Carlisle Mercury
 Magistrate Carl Coburn said it is illegal for Nicholas County to haul rock to private individuals in the county, though it is not illegal for the county to sell to them as long as the county doesn't haul it. Quoting an opinion Coburn received from the office of Attorney General Fred Cowan, county magistrates are potentially liable if a court ruling went against the county for illegally delivering rock from the Nicholas County Quarry to individuals for their private use. Several people were on hand at the Feb. 13 fiscal court meeting, where the discussion came up, to give their opinions on the matter. Allen Clay Stone said business the quarry does for the people in Nicholas County forms an intricate part of the

county economy. Stone said it is a good service and the situation is not as black and white as the opinion from Cowan seems to indicate. County Attorney Jack Conley said old rulings on the county's right to deliver rock were very cut and dried, stating the county cannot deliver rock or function in a way similar to that of a private business. "New rulings, however, have muddled the waters," Conley said. Conley said stipulations outlined in the Home Rule Act state that if the county deems its use of quarry rock for citizens of the county as a necessary public service, then there are grounds to allow the county to continue the practice. Conley cited the Georgetown Toyota plant as an ex-

ample of a government institution providing services to a private interest to benefit the greater public good. Since passage of Home Rule legislation the autonomy and decision making power of counties has been increased, Conley said. "The safest route, if the court wants to avoid any problems and not take a risk, is for the county to stop delivering or selling rock," Conley said. Judge Executive Reese Smoot said rock deliveries have been in Nicholas County since long before he ever took office. However, Lary Stigall said the county practice, no matter how long it has been going on, is illegal and must be stopped. "Whether it makes money for the county or not is not relevant, the practice is illegal," Stigall said.

But the practice has never before been brought to trial, Smoot said. "My opinion is to let someone go ahead and test it, if they feel it necessary," Smoot said. Magistrate Earl Lee Plank said that so far as a public opinion about rock delivery is concerned, everyone in his district supports the county continuing its delivery service. Plank said his concern is that one service is stopped at the quarry, all services would have to stop. "We'll end up having to close the quarry," he said. Business are not easy to come by in Nicholas County, Nicholas resident Woody Allison said, and if the court ceases to serve the county with rock deliveries, the county is likely to lose farmers as well. Florence Reid, supporting county rock deliveries, said

she would not use Nicholas County for her rock if delivery is not provided. When asked how much money the county receives from rock sales, Smoot quoted the total receipts from 1988-89 of \$125,000. Tom Hensley and Stone said if the service benefits both the court and the people of the county, then they do not see why the service cannot continue. It serves a public need, Stigall said. "What it ultimately boils down to is the fiscal court determining the quarry as a public service," far as opinions from the law, I can bring in as many both pro and con as you want," Conley said. From his own opinion, Conley said anything that can help subsidize both the quarry and the county road depart-

ment is good, as long as the county's duty to its road system take priority. "A strong argument can be made in support of the deliveries. In court, I would defend it," Conley said. Smoot, responding to questions from Conley, said the county profits from hauling rock to people, but, in a limited sense, the rock hauling does cut into road work, but only in a small fraction. The court took no action either way on the rock issue as discussion concluded. Instead, Smoot said the court will re-address the problem at the next fiscal court meeting and invited all those with an interest to participate. The meeting will be March 13 at 9 a.m. Recycling proposal In other business, the court heard a presentation from **Continued on Page 3**

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• Garrett family passes 20-year milestone at its Carlisle cemetery. FEATURE AT SID, Page 6

Four charged in burglary
By Hank Hoad
The Carlisle Mercury
 CARLISLE (Feb. 10) — Four being men were arrested Saturday night, and charged with first degree burglary. According to Kentucky State Police Trooper Tim Layne, the men apparently broke out a window, reached through and unlocked the door, to gain entry to the residence of Michael Howard, 101 1/2 High St., Carlisle. Charged following the incident were: Troy Steward, 27; Charles Mitchell, 23; Robert McCord, 24; and Troy Emmons, 19; all of Ewing in Fleming County. According to Layne, taken in the burglary was a 45 semi-automatic Smith and Wesson, model 645, serial number T43148. According to Layne, the break-in occurred at about 4:20 p.m., Saturday. An hour later, using a description from Layne, members of the Fleming County Sheriff's Department detained a 1970 red Monte Carlo, registered to Steward, in the Fleming County community of Nepton. The men were detained. **Continued on Page 3**

City clears last hurdle for liquor by the drink

By Josh Shepherd
The Carlisle Mercury
 CARLISLE (Feb. 12) — Following a process that has spanned nearly two years, including a veto and override attempt, the city of Carlisle will now have liquor by the drink. With little discussion, Carlisle City Council passed an ordinance allowing the sale of liquor by the drink within the city limits, during Monday night's regular session. Council chambers were filled to capacity as Carlisle Mayor Frankie Hughes had the text of the liquor ordinance read for the second time. Councilman Tommy Vaughn asked how Carlisle can be considered a fourth class city. City Attorney Skip Watson replied the general assembly has made Carlisle

fourth class by statute, whether the town has met the outlined criterion for the class or not. As Vaughn's argument ended, Hughes invited comment from the audience. Jimmy Shaw, owner of J.J. Liquor, said he did not want to see Carlisle endure a local option election. Shaw said he has heard from several people in his own establishment that petitions have been circulated in area, to put a wet-dry option on the ballot. "I know we're going to have a problem, and it is my opinion that you [council] have not done this the right way," Shaw said. Brownie Hollar said the risk of a precinct election is very possible and it could kill local businesses. After establishing that

homeowners who may desire to hook into the city sewer system must pay for the line to be taken out to the plant, no other arguments were offered. On roll call vote, council passed the ordinance 4-2, with Tommy Vaughn and Charlie Fay voting against it. Annexation of property along Lake Road to the 10th Hole of Carnice was also approved, 4-2, with Tommy Vaughn and Charlie Fay voting against it. As people left the chambers at the conclusion of the annexation vote, council heard an update from Gene Kelley on the progress of the sewer plant. Kelley brought up two points of concern, which sparked discussion among council members.

Since construction of the new plant scheduled to open this week, the old sewer plant has had to contain and hold approximately 40,000-50,000 gallons of sludge. Kelley said he asked the help of Ewors, a chemical firm from Wisconsin, about possibly using some of it. Ewors responded that the sludge is anarobis, which is of poor quality for them to use. Council authorized finding a dumpster for the plant to contain grit and rock screened from the inflow. Gayle Vanlandingham, city superintendent, said next month, the water plant will make its last offer for bids and work should be nearing completion. In other business: "Council awarded the city trash collection contract to **Continued on Page 3**

Actions taken by Nicholas school board

- The Nicholas County Board of Education took the following actions at its Feb. 12 meeting:
 - Heard the treasurer's report. The school reported \$294,000 in disbursements from the general fund and a month end balance of \$300,968.95.
 - Accepted a \$4,481 state grant through the Drug Free Schools and Communities Act.
 - Accepted the resignation of Vickie Ison as school library coordinator.
 - Approved a \$1,395 expenditure for the purchase of a new baritone saxophone for the Nicholas County Band.
 - Named Judy Turpin and Wanda Sue Caswell as substitute cooks and Jaden Oikinson, Marilyn Hamm and Donna Mege as substitute teachers.
 - Granted travel and facilities use requests to several school groups.
 - Approved the sale of 756 pounds of surplus tobacco for 50 cents a pound through the Tobacco Crop Disaster Program. The tobacco was left over from the school's crop this past season.
 - Hired Jack Massey as an assistant elementary school track coach.
 - Approved a \$4,522.14 expenditure to replace a gas kettle in the elementary school kitchen.
 - Approved a motion to allow the Adult Education Council to administer non-mandatory pre-tests to those who register to take the GED test in Nicholas County.
 - Amended the job description of the Chapter 1 secretary to include qualifications.
 - Called a special meeting for Feb. 19 at 7 p.m. to review applications for superintendent. The meeting will be held in closed session.



Everette Daley, 39, of Carlisle was driving this 1966 International truck when he apparently lost control 4.9 miles east of Carlisle on U.S. 68, and stuck a parked vehicle. The accident occurred at 11:15 a.m. February 9. Daley was transported to Nicholas County Hospital by Nicholas County Ambulance. The accident was investigated by KSP Trooper Roger Fowler.